

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13112 of 1993

TO

SPECIAL CIVIL APPLICATION No 13125 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NARESHKUMAR PUNJABHAI

Versus

DEPUTY EXECUTIVE ENGINEER (R & B) JAMNAGAR

Appearance: In all the petitions:

MR KETAN A DAVE for Petitioners

MR HL JANI for Respondent No. 1

MR MN DEVNANI for MR YS LAKHANI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/05/97

ORAL JUDGEMENT

Challenge is made by the petitioners in these Special Civil Applications to the order of the Deputy Executive Engineer, Roads and Building, Sub Division,

Jamnagar, directing thereunder the petitioners to remove their wooden cabins (described in the orders as shops) forthwith and stating that within 15 days if the said cabins are not removed, the department would remove the same.

Though it was a notice to show cause, but having the apprehension of the removal of the wooden cabins described as shops, the petitioners approached this Court. The counsel for the petitions submitted that the identical matters have already been decided by this Court in which the similar notice was given and these matters may also be disposed of in the terms of the order made in the identical matters. The identical matters have been decided on 2-9-1994, being Special Civil Applications No.9337 and 9338 of 1993. A zerox copy of the order has been placed for consideration of this Court. In those petitions, the petitioners had challenged the legality and validity of alleged removal of their cabins situated in Jamnagar-Kalavad Road and the order was issued by the same authority which has issued the order in the present case. The Court has held in that cases that before issuing that order, the petitioners have not been offered an opportunity of hearing. As stated earlier, the order made in these matters was the notice to show cause, but instead of filing the reply thereof the petitioners have approached this Court.

However, the respondents have no objection to decide the matters after hearing the petitioners. The counsel for the respondent contended that the final order has not been made. So that stage has not been reached. I consider it to be appropriate to dispose of these petitioners in the terms that the impugned orders of the respondent No.1 in these petitions will be treated to be a show-cause notice to the petitioners and they may file a reply to the same before the said authority and the said authority will decide these matters after hearing them. With these directions all these Special Civil Applications and Rule stands disposed of.

zgs/-